

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the Matter of ROBERT GODFREY-WILLIAM  
FIEDLER, JR, Minor.

---

DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

YVONNE FIEDLER,

Respondent-Appellant.

---

In the Matter of ROBERT GODFREY-WILLIAM  
FIEDLER, JR, Minor.

---

DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ROBERT FIEDLER,

Respondent-Appellant.

---

UNPUBLISHED  
August 15, 2006

No. 267884  
Lenawee Circuit Court  
Family Division  
LC No. 05-000109-NA

No. 267982  
Lenawee Circuit Court  
Family Division  
LC No. 05-000109-NA

Before: Whitbeck, CJ., and Hoekstra and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondents' parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication were not merely respondents' incarcerations and the child's need for an apnea monitor, which were substantially rectified by the time of the termination hearing, but respondents' long histories of drug use since their teen years, and their propensity toward domestic violence and violations of the law. The evidence showed that respondents' incarcerations left the child without proper care or custody. Respondents did not rectify the condition of substance abuse or address their domestic violence, anger management, and personality issues in counseling during this ten-month Lenawee County proceeding, and had not successfully addressed those issues in a Monroe County child protective proceeding during the preceding year. Respondent father was incarcerated during this entire proceeding and respondent mother was incarcerated four of the ten months, and their violations of the law hindered their ability to participate in services.

Respondents admitted to remaining addicted to drugs but argued that they had always been able to adequately care for their children, as evidenced by the fact that six other children had never been removed from their care. However, frequent protective services involvement over the last several years belied respondents' argument that they had parented the other children in a completely suitable way and were never in danger of losing custody of them. Respondent father had maintained sobriety for three years, assisting the family in remaining intact, but relapsed into drug use just before this child's birth. The home environment created by the unrehabilitated respondents was one in which the minor child, whose medical fragility and developmental delays required weekly therapy, monthly injections during the winter months, and frequent doctor's appointments, would likely suffer neglect and harm.

Further, the evidence did not show that termination of respondents' parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that respondents would not effectively meet the minor child's needs. The loss to the minor child of his parents and siblings was outweighed by his need for parents who would enable him to develop properly.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder